



State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF AIR QUALITY
Cheryl Heying
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

DAQ-004-08

MEMORANDUM

TO: Air Quality Board

THROUGH: Cheryl Heying, Executive Secretary

FROM: Mat Carlile, Environmental Planning Consultant

DATE: February 6, 2008

SUBJECT: FINAL ADOPTION: Amend R307-401-14. Used Oil Fuel Burned for Energy Recovery.

On November 1, 2007, the Air Quality Board proposed for comment amendments to the definition of "boiler" in R307-401-14. A public comment period was held from October 1, 2007 to October 31, 2007. No oral or written comments were received and a public hearing was not requested.

Staff Recommendation: Staff recommends that R307-401-14 be adopted as proposed.

incorporated into this rule by reference. The following additional definitions apply to this rule.

"Budget" means the motor vehicle emission projections used in the attainment demonstration in the Salt Lake County portion of Section IX, Part A of the State Implementation Plan, "Fine Particulate Matter (PM₁₀)."

"NO_x" means oxides of nitrogen.

"Primary PM₁₀" means PM₁₀ that is emitted directly by a source.

Primary PM₁₀ does not include particulate matter that is formed when gaseous emissions undergo chemical reactions in the ambient air.

"Transportation Conformity" means a demonstration that a transportation plan, transportation improvement program, or project conforms with the emissions budgets in a state implementation plan, as outlined in 40 CFR, Chapter I, Part 93, "Determining Conformity of Federal Actions to State or Federal Implementation Plans."

KEY: air pollution, transportation conformity, PM₁₀

Date of Enactment or Last Substantive Amendment: ~~July 7, 2005~~ 2008

Notice of Continuation: September 7, 2005

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality R307-401-14 Used Oil Fuel Burned for Energy Recovery

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30709

FILED: 11/08/2007, 15:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to ensure the definition of "boiler" is consistent in the Air Quality rules and in the Solid and Hazardous Waste rules. If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comments-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarlile@utah.gov or by calling 801-536-4136.

SUMMARY OF THE RULE OR CHANGE: The Utah Air Quality Board is proposing to reference the Solid and Hazardous Waste definition of "boiler" that is used in Subsection R315-1-1(b) rather than referencing the Code of Federal Regulations to ensure the Air Quality rules are consistent with the Solid and Hazardous Waste rules. It is the intent of the Board to be consistent with the definition found in Section R315-1-1.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No costs or savings are expected because the cost of Air Quality's reviews are covered by fees paid by applicants.

❖ LOCAL GOVERNMENTS: Because this revision does not create new requirements, no change in costs is expected for local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: **SMALL BUSINESSES:** Because this revision does not create new requirements, no change in costs is expected for small businesses. **OTHER PERSONS:** Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY

AIR QUALITY

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at Mcarlile@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-401. Permit: New and Modified Sources.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

(1) Definitions.

"Boiler" means boiler as defined in R315-1-1(b) ~~that incorporates by reference the term "boiler" in 40 CFR 260.10, 2000 ed., as amended by 67 FR 2962, January 22, 2002~~.

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

(2) Boilers burning used oil for energy recovery are exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following requirements are met:

(a) the heat input design is less than one million BTU/hr;
(b) contamination levels of all used oil to be burned do not exceed any of the following values:

- (i) arsenic - 5 ppm by weight,
- (ii) cadmium - 2 ppm by weight,
- (iii) chromium - 10 ppm by weight,
- (iv) lead - 100 ppm by weight,
- (v) total halogens - 1,000 ppm by weight,
- (vi) Sulfur - 0.50% by weight; and

(c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.

(3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the executive secretary to ensure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the executive secretary. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the executive secretary or the executive secretary's representative upon request. Records must be kept for a three-year period.

KEY: air pollution, permits, approval orders

Date of Enactment or Last Substantive Amendment: [June 16, 2006] 2008

Notice of Continuation: July 13, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(g); 19-2-108

Environmental Quality, Air Quality

R307-417

Acid Rain Sources

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 30706

FILED: 11/08/2007, 15:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in Rule R307-417. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. The Utah Air Quality Board is also proposing to add two new sections that will incorporate by reference 40 CFR Part 75 and Part 76, so that all rules that deal with the Acid Rain program are in one rule. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout Title R307 (see separate filings on Rules R307-101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-

801, and R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/17/2007, the hearing will be canceled. After 12/17/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Comments-Hearings/Rule.htm> or call 801-536-4136 to determine if the public hearing has been canceled. A request for a public hearing may be submitted by electronic mail to mcarrile@utah.gov or by calling 801-536-4136. (DAR NOTE: The proposed amendment for Rule R307-101 is DAR No. 30697; the proposed amendment for Rule R307-115 is under DAR No. 30698; the proposed amendment for Section R307-170-7 is under DAR No. 30699; the proposed repeal of Rule R307-215 is under DAR No. 30700; the proposed amendment for Rule R307-221 is under DAR No. 30701; the proposed amendment for Rule R307-222 is under DAR No. 30702; the proposed amendment for Rule R307-223 is under DAR No. 30703; the proposed amendment for Section R307-224-2 is under DAR No. 30704; the proposed amendment for Section R307-310-2 is under DAR No. 30705; the proposed amendment for Rule R307-801 is under DAR No. 30707; and the proposed amendment for Rule R307-840 is under DAR No. 30708 all in this issue, December 1, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment removes the specific version date for the CFR in Rule R307-417. The rule will now default to Section R307-101-3 that establishes the version of the CFR that is incorporated throughout Title R307. In a separate rulemaking, the version of the CFR referenced in Section R307-101-3 is being updated to the July 1, 2007, version. The following changes to 40 CFR Part 72 will be included as the result of the change in Section R307-101-3. 05/13/1999 (64 FR 25842) This action revised certain provisions in the regulations concerning the deduction of allowances for determining compliance. The revisions improved the operation of the Allowance Tracking System and the allowance market generally, while still preserving the Act's environmental goals. This action allowed excess emissions to be reduced at a unit by allowing deductions of up to a certain number of allowances for that unit from the allowance accounts of other units at the same source that had unused allowances. This revision included a formula for calculating the allowance deductions allowed from other units' accounts. This revision allowed the authorized account representative to specify, within 15 days of receiving notice from the Agency of a unit's failure to hold sufficient allowances, the serial numbers of the allowances to deduct and the compliance sub-accounts from which to deduct those allowances. 05/26/1999 (64 FR 28588) This revision involved the following matters: 1) revised definitions of gas-fired, oil-fired, and peaking unit to allow for changes in the unit fuel usage and/or operation; 2) revised the applicability provisions in part 72 by making a minor wording correction; 3) added new QA/QC requirements for quantifying stack gas moisture content; 4) clarified the certification and recertification process; 5) revised substitute data requirements for CO2 heat input and moisture; 6) revised the petition provisions for alternatives to part 75 requirements; 7) clarified the span and range requirement; 8) clarified the general QA/QC requirement; 9) added calibration error test